

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **JAMES SETTE**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING
JAMES SETTE
2563 CEDAR LINKS
MEDFORD, OR 97504

STATEMENT NO.: **S010583**
CONTACT PHONE NO.: **(541) 772 - 6616**

Source Name: **UNNAMED SPRING**
Tributary To: **GUMBOOK CREEK**
County: **Siskiyou**
Diversion Within: **NW¼ of SE¼ Section 16 T45N, R09W, MB&M**

Year of First Use: **1908**
Parcel Number: **95000834**

STATE WATER RESOURCES
CONTROL BOARD
2007 MAY 25 PM 3:53
DIV OF WATER RIGHTS
SACRAMENTO

A. **Water is Used Under:** Riparian claim _____ Pre-1914 right ☒ Other (explain): _____

B. **Year of First Use:** (Please provide if missing above) 1908

C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons _____ Million Gallons (MG) _____ Acre-feet (AF) _____ Other _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004	NATURAL FLOW												
2005													
2006													

D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____;

Other (specify) _____

E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES _____ NO _____
Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ____ NO ____.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES ____ NO ____.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: May 4, 20 07 at SCOTT BAR, California

SIGNATURE: [Signature]

PRINTED NAME: JAMES S. SETTE
(first name) (middle initial) (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5300
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>

SURNAME / FILES



Arnold Schwarzenegger
Governor

NOV 8 2004

In Reply Refer to:
363:LL:10165,10185
ST0583

James Sette
2563 Cedar Links Drive
Medford, OR 97504-5001

Dear Mr. Sette:

LICENSES 2757 AND 2758 (APPLICATIONS 10165 AND 10185) BILL BERRY AND SWAMP CREEKS, AND STATEMENT OF WATER DIVERSION AND USE 1053, GUMBOOT CREEK IN SISKIYOU COUNTY

Thank you for your October 19, 2004, letter that included your original October 2, 2004, letter. Based on your correspondence and our recent telephone conversations, I understand that you believe you should not have to pay annual water right fees because you claim pre-1914 appropriative water rights. The Division of Water Rights (Division) does not have jurisdiction over pre-1914 appropriative water rights. Therefore, the Division has no opinion concerning the validity of the right you claim under Statement of Diversion and Use number 10583 or any other pre-1914 rights you may claim as suggested in your letter. It is possible that your water right Licenses 2757 and 2758 authorize water diversions already covered by a pre-1914 right. However, regardless of any pre-1914 rights you may have, the fees are required for you to maintain your Licenses 2757 and 2758, which were issued by the State of California. You may decide to revoke your licenses if you are confident that your pre-1914 rights duplicate your diversions under the licenses, but you should make this decision very carefully. I have already sent you revocation request forms. Revoking the licenses would prevent you from receiving fee bills in future years, but would not relieve you from liability for fees already billed.

Based on your letter and our telephone discussions, the Division does not have any grounds to release your liability for water right fees due for Licenses 2757 and 2758. If you have any questions regarding this matter, please contact me at (916) 341-5345.

Sincerely,

ORIGINAL SIGNED BY

Charles L. Lindsay
Water Resources Control Engineer
License Unit

California Environmental Protection Agency

RNAME

Lindsay 11/8/04

CONTACT REPORT
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

From: Larry Lindsay, Licensing Unit

Contact: James Sette (541) 772-6616

Date: November 2, 2004

Re: A010185, A010165, S010583

Today I called Mr. Sette to discuss his letter dated October 2, 2004, which was attached to his letter dated October 19, 2004. This letter included information he told me in a phone call in late September 2004. As a result of the September phone call, I mailed a copy of the Division's pamphlet, "Information Pertaining to Water Rights in California," and some license revocation forms. My conversation with Mr. Sette in both calls was essentially the same. In his calls and in his letter, Mr. Sette made many points that he believes support his claim of a pre-1914 water right. He argues that because he has these pre-1914 rights, he should not have to pay the new water right fees. In every conversation, including today's, I told Mr. Sette that the fees are for his two water right Licenses issued by the State. I have tried to tell him that his arguments in support of the pre-1914 right mean nothing in relation to the fees. In our conversation today, he seemed to understand that. I told him he may revoke his licenses if he believes his pre-1914 rights cover all his use. However, I cautioned him not to revoke them unless he was certain the rights are duplicated under pre-1914 rights and that use has been continuous. He finally asked me to mail copies of his Licenses and the Statement. I told him I would do that along with my written answer to his letter.

At the end of our conversation he indicated he would pay the fees.

RECOMMENDATION:

Answer his letter explaining that the fee bills are based on his licenses issued by the State.

October 2, 2004

James S. Sette
2563 Cedar Links Dr.
Medford, OR 97504-5001

Mr. Charles L. Lindsay, P.E.
Division of Water Rights
1001 1st Street
Sacramento, California 95812

Dear Mr. Lindsay:

Thank you for your letter of September 24, 2004 with enclosure regarding Information Pertaining to Water Rights.

I much appreciate your finding me in Medford in July, this problem would have been avoided had the Scott Bar post office forwarded my mail. Since our correspondence in July the State Board of Equalization writes if payment is not made immediately I face collection action including filing of a lien. The Statute of Limitations does not toll if your unaware, I was unaware due to failure to forward my mail.

I have not received a Statement of Water Diversion and use for 1053, Gumboot Creek. Please forward to me.

As executor and heir to Maude Sette's estate in 1968 I was assessed \$5,000.00 for water rights by Federal and California Estate Taxes. When estate taxes are paid it is for the right to inherit and own, correct me if I am wrong.

Letter of January 28, 1981 by J.C. Johnson, WRC Engineer of your office confirms my pre-1914 water rights when he writes to me "this will put your 1908 water rights on our record".

United States Mining Law (30 USC) is paramount law and prevails. 30 U.S.C. 51 and 52 "Water Users Vested and Accrued Water Rights".


Siskiyou County Official Water Rights Records Vol. 5 lists me as owner of recognized water rights in Siskiyou County.

I have the Plat of my fathers water application surveyed by County Surveyor Albert Parrott on April 7, 1941, it is on file in Siskiyou County Court House, Siskiyou Title Company and perhaps you have a copy. Large numbers are on the bottom; A10185-P5918-L2758.

California Supreme Court in August 2000 reaffirmed water rights. Justice Ming W. Chin writes "no appellate court has endorsed an equitable apportionment solution that disregards overlying owners existing rights", also "Pre-1914 water right is absolute property".

I am taking the liberty to send a copy of this letter to Liliana McCullough and Christine Levine both of State Board of Equalization for I've received letters from them since our contact in July.

I solicit a prompt reply, also a reply from your legal counsel regarding this letter and the facts brought forth.

Sincerely,

James S. Sette

DEPT. OF WATER RIGHTS
SACRAMENTO

2004 OCT 27 PM 12:28

STATE WATER RESOURCES
CONTROL BOARD

James S. Sette
2563 Cedar Links Dr.
Medford, OR 97504-5001

RSS/LL
10185

October 19, 2004

Mr. Charles L. Lindsay, P.E.
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
P.O. Box 2000
Sacramento, California 95812-2000

Dear Mr. Lindsay:

My October 2, 2004 letter to you was returned today by the post office, I could not figure out why until I caught my error which was that I took the I for a 1, haste makes waste.

I am returning my October 2nd letter to you unopened, I will mail this letter tomorrow October 20th. I sent a copy of my October 2nd letter to Liliana McCullough and Christine Levine both at State Board of Equilization, they have not been returned which means they received my letter.

Sincerely,


James S. Sette

STATE WATER RESOURCES
CONTROL BOARD
DIV OF WATER RIGHTS
SACRAMENTO
2004 OCT 27 PM 12:28

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by July 1, 2001.

Owner of Record: JAMES SETTE;

JAMES SETTE
PO BOX 7
SCOTT BAR, CA 96085



Statement No: S010583
Password: 04190110016795
Phone Number: (503) 772-6616
Year of First Use: 1908

*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Source Name: GUMBOOT CREEK

Tributary To: MILL CREEK

A. Water is used under: Riparian claim _____ Pre 1914 right _____ Other (explain): _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons _____ Acre-feet _____ Other _____													Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
1998													
1999													
2000													

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____;

Other (specify) _____

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ___ NO ___

Describe any water conservation efforts you have initiated: _____

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)

Reductions in consumptive use:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ___ NO ___

DEC 20 2000

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
I have data to support the above surface water use reductions due to wastewater reclamation. YES _____ NO _____

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
I have data to support the above surface water use reductions due to conjunctive use efforts. YES _____ NO _____

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: _____, 20____ at _____, California

SIGNATURE: _____

PRINTED NAME: _____
(first name) (middle init.) (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"

**** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ****

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S010583
OWNER OF RECORD: JAMES SETTE

JAMES SETTE
P O BOX 7
SCOTT BAR, CA 96085

SOURCE: UNSP
TRIBUTARY TO: GUMBOOK CREEK
COUNTY: SISKIYOU
DIVERSION
WITHIN: NW¼ OF SE¼ SECTION 16, T45N, R9W, MDB&M.

STATE WATER RESOURCES CONTROL BOARD
DIV. OF WATER RIGHTS
SACRAMENTO
1995 APR 17 PM 2:11
TELEPHONE NUMBER: (503) 772-6616
YEAR OF FIRST USE: 1908
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

- A. Water is used under: Riparian claim ☒; Pre 1914 right ☐; Other (explain) ☐
- B. Year of first use (Please provide if missing above) 1908
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons ☐ Acre-feet ☐ (other) ☐

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992				✓	✓	✓	✓	✓	✓				
1993				✓	✓	✓	✓	✓	✓				
1994				✓	✓	✓	✓	✓	✓				

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
- Irrigation 0 acres; Stockwatering 0; Domestic 4
- Other (specify)

***** CONTINUE ON BACK PAGE *****

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

- NONE -

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

- NONE -

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: APRIL 10, 1995, at SCOTT BAR, California

SIGNATURE: James S. Sette

PRINTED NAME: JAMES S. SETTE

(FIRST NAME)

(M. NAME)

(LAST NAME)

COMPANY NAME: _____

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Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockpounds Constructed Prior to 1969"
"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE
INFORMATION SHEET

STATEMENT NO. 5010583

DIVERSION SITE:

OWNER'S NAME JAMES S. SETTE

PARCEL NO. 10583

PLACE OF USE:

OWNER'S NAME JAMES S. SETTE

PARCEL NO. 10583

1. PARCEL NO. 10583

2. PARCEL NO. _____

3. PARCEL NO. _____

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER

NAME JAMES S. SETTE

MAILING ADDRESS PO Box 7

Scott Bar, Cal 96085

TELEPHONE NO. (503) 772 - 6616

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME _____

MAILING ADDRESS _____

TELEPHONE NO. () -

2. NAME _____

MAILING ADDRESS _____

TELEPHONE NO. () -

□ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL
INFORMATION BOX.

5-10 583

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

STATE WATER RESOURCES
CONTROL BOARD

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

96 JAN 17 PM 12:04

DIV. OF WATER RIGHTS
STATE SACRAMENTO

10 583
CY 3-1-26

DIVERTER OF RECORD:

James Sette
General Delivery
Scott Bar, CA 96085

TELEPHONE NO:
()

AP # 95009834

SOURCE: unnamed spring

TRIBUTARY TO: Gumboot Creek thence Scott River

COUNTY: Siskiyou

DIVERSION

WITHIN: NW 1/4 of SE 1/4 of Section 16, T45N, R9W, MDB&M

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, ASAP

A. Water is used under: Riparian claim _____; Pre 1914 right ☒; Other (explain) _____

B. Year of first use (Please provide if missing above) 1908

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons ☐ Acre-feet ☐ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL	
1992				✓	✓	✓	✓	✓	✓	✓			100,000	GAL
1993				✓	✓	✓	✓	✓	✓	✓			100,000	GAL
1994				✓	✓	✓	✓	✓	✓	✓			100,000	GAL

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____

Other (specify) - MINING -

Envelope return
2563 Cedar Links
Medford, OR 97504

*** CONTINUE ON BACK PAGE ***

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

NONE

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NONE

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: Dec 15, 1995, at SCOTT BAR, California

SIGNATURE:

James S. Sette

PRINTED NAME:

JAMES S. SETTE

COMPANY NAME:

SETTE & SONS MINING CO. (FIRST NAME) (M. NAME) (LAST NAME)

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"Water Rights for Stockpounds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATE WATER RESOURCES
CONTROL BOARD

96 JAN 17 PM 12:04

DIV. OF WATER RIGHTS
SACRAMENTO

STATEMENT OF WATER DIVERSION AND USE
INFORMATION SHEET

STATEMENT NO. 10583

DIVERSION SITE:
OWNER'S NAME JAMES S. SETTE

ASSESSOR PARCEL NO. 95009834 - Recorders Number } GUMBOOT MIKE
49585-49589-DESCRIPTION }
NUMBERS }
PLACE OF USE: 5461-00 TAX ACCOUNT
1188-00 BILL NUMBER }
OWNER'S NAME JAMES S. SETTE

OFFICIAL
SISKIYOU
COUNTY
COURT HOUSE
RECORDS

1. Ass. PARCEL NO. 95009834 - Recorders Number } GUMBOOT
2. Ass. PARCEL NO. 5461-00 - TAX ACCOUNT NUMBER } MIKE
3. Ass. PARCEL NO. 1188-00 - BILL NUMBER } 5
CLAIMS

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL
STATEMENTS:

BLM
NUMBERS
49585-49589

OWNER/LESSEE/AGENT/OTHER JAMES S. SETTE
NAME JAMES S. SETTE

MAILING ADDRESS Gen. Delivery
SCOTT BAR CALIF 96085

TELEPHONE NO. (503) 772 - 6616

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME Ø

MAILING ADDRESS _____

TELEPHONE NO. (_____) _____ - _____

2. NAME Ø

MAILING ADDRESS _____

TELEPHONE NO. (_____) _____ - _____

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL
INFORMATION BOX.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810

901 P ST. W. SACRAMENTO, CA
(916) 322-4503

CONTROL BOARD
(916) 324-5741

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

DIV. OF WATER RIGHTS
SACRAMENTO

STATEMENT NO: 010583

JAMES SETTE
SCOTT BAR, CALIF 96085

TELEPHONE NUMBER:
(503) 772-6616

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:

TRIBUTARY TO: GUM BOOT Creek

COUNTY: SISKIYOU

DIVERSION

WITHIN: NW1/4 OF SE1/4 SECTION 16, T45N, R09W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1987. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☐ Acre-feet ☐ _____ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1984					450	450	450	450	450				2250
1985					450	450	450	450	450				2250
1986					450	450	450	450	450				2250

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic _____

Other (specify) MINING

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

There is no reclaimed or polluted water

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: Dec 30, 19 86, at Scott Bar, California

Signature: James Sette

✓
KHN
3-13-87

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

Dec 27, 1992 5-10583
Gen. Del
Scott Bar, Ca 96086 files

State Water Resources Control Board
DIVISION OF Water Rights
PO Box 2000
Sacramento, Cal. 95812-2000

Dear M's —

Enclosed are my reports for Swamp Creek;
Application A010185, License 002758, and for
Bice Berry Creek: Application A010165, License
002757.

Please send me your supplemental
~~statement for water diversion~~ and
use for the assigned number 10583,
which is under my name.

I cannot locate any recent
supplemental statements for #10583, so
please send me the necessary
papers.
Sent Supp. S. form & info. sheet
11/16/95 WR

ps - mining in
California produced
the prior appropriation
doctrine, so I should
have water rights to the Gumbrook mine acquired by
my father in 1947, according to mining law. The
prior owner acquired water rights in 1908 (Water
Rights Book #6, page 361 - Siskiyou County Court House). See
enclosure on mine creek - Please send me the
necessary papers as you have on Bice Berry & Swamp
Creek.
* WATER RIGHTS TO 10583
Gumbrook Mine,
James Little
12/27/92

Notice of Location of a water right.

Notice is hereby given to whom it may concern that the undersigned having complied with the law has this day located and claim 300 inches of the water of this stream known as Mill Creek, said water is to be diverted at or about the point where this notice is posted and is to be conveyed in a ditch to its destination a point about $\frac{1}{3}$ of a mile from place of intended diversion. The said water will be used for mining, milling and domestic purposes. The place of intended diversion is located about 7 miles east of Scott Bar or about $6\frac{1}{2}$ miles from mouth of said stream, and is situated in Scott Bar mining District County of Siskiyou, State of California.

Located this 6th day
of December 1908.

Location

John M. Brown.

J. D. McFarther.

Recorded at Request of J. W. McFarther January 1st 1909 at
11 min. p.m. at 3 o'clock P.M.

Eugene Downing
County Recorder.

Notice of Appropriation of Water.

COMPARED
Notice is hereby given that the undersigned, a citizen of the United States, over the age of 21 years, claims and hereby appropriates 200 inches of the water of this stream (White Gulch) to be diverted at a point on the North East side of said stream and conveyed thence by a ditch 2 inches wide on the bottom 12 inches deep and 30 inches wide on top, a distance of $\frac{1}{3}$ of a mile to a bar on the North Fork of Salmon River 22 miles East of Sempore Bar. The water is to be used for irrigating and household purposes.

*** H04 ***

HDBDATAASESTATE S010503		08/27/94 ACT	135			PAGE 36099
RUN DATE:08/27/94		DIVISION OF WATER RIGHTS				
PRODUCED BY DMB		DATA BASE REPORT - - PRIMARY SELECTION: RECORD TYPE				
ID #:	S010503	REC TYPE(STATE)	STATUS: ACTIVE	10/30/1981		01
OWNER	SEQ #:01	JAMES SETTE				04
ADDRESS	SEQ #:01	P O BOX 7				
	01	SCOTT BAR CA 96085				
DATE FILED:	10/30/1981	CUSTOMER #:	TYPE:	PHONE: 503-772-6616	FEE AMT:\$	0.00 FEE RCD:\$
						0.00 DATE ADV:
MAX DIR/DIV:	00015.000 CFS	MAX DIR/DIV ANN/U:	00000000.0 AF	MAX STO:	00000000.0 AF	MAX ANN/U:
						0.00 YR 1ST USE:1908
SOURCE SEQ #:	01	TRIB SEQ #:	01	NAME:UNSP		12A
			02	GUMDOCK CREEK		
			03	SCOTT RIVER		
SOURCE SEQ #:	01	DIVR SEQ #:	01	LOT #:	NWSE()16 45N 09WM CAL/COORD:1 N0881300 E1759200 CNTY:47 D/CODE:	D/TYPE: WELL: 12DA
SOURCE SEQ #:	01	DIVR SEQ #:	01	MAP:RUSSELL PEAK	#:AA011 MIN/SER:7.5 LAT: DEG	LONG: DEG 12BB
SOURCE SEQ #:	01	DIVR/EXTRAC SEQ #:	01	DIR/DIV:00015.003	D/D/AC-FT/ANN:00000000.0	STOR:00000000.0 AC-FT STOR CODE: 12CC
SOURCE SEQ #:	01	MAX DIR/DIV/SOURCE:	00015.000 CFS	MAX STOR/SOURCE:	00000000.0 AC-FT	12C
SOURCE SEQ #:	01	STREAM CODE:	1-028-00-00-0			12D
SOURCE SEQ #:	10	TRIB SEQ #:	01	NAME:GUMDOCK CREEK		12A
			02	MILL CREEK		
SOURCE SEQ #:	10	MAX DIR/DIV/SOURCE:	00000.000	MAX STOR/SOURCE:	00000000.0 AC-FT	12C
SOURCE SEQ #:	10	STREAM CODE:				12D
USE (B) D/D	01:05/01-09/30	S2:	-	D/D AMT:	0.0AF STO: -	0.0AF N/AC: 0.0 G: 0.0 P: 0 14
TEXT TYPE:INDX	SEQ #:	01	ACTION DATE:10/30/1981	COMMENTS:SETTE, JAMES		22